

2018 Regular Session

HOUSE BILL NO. 671

BY REPRESENTATIVE NANCY LANDRY

SCHOOLS/EMPLOYEES: Provides relative to authorized payroll withholdings for professional organization dues and certain contracts with school boards

1 AN ACT

2 To amend and reenact R.S. 17:438 and R.S. 42:456(A)(1), relative to earnings withholdings  
3 of certain employees and to certain contracts with school boards; to authorize city,  
4 parish, and other local public school boards to retain a percentage of certain earnings  
5 withholdings of school employees used for the payment of dues to professional  
6 organizations to cover administrative costs; to provide relative to the effectiveness  
7 of certain collective bargaining agreements; to provide exceptions; to authorize state  
8 employee payroll withholdings for the payment of dues to professional associations  
9 and organizations; to provide for effectiveness; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:438 is hereby amended and reenacted to read as follows:

12 §438. Permitted withholdings; exceptions

13 A. ~~Any~~ A teacher or other employee of a ~~parish or city, parish, or other local~~  
14 public school board may authorize his employing school board to deduct and  
15 withhold from his earnings a specific amount for such pay periods as may be  
16 designated, for the payment of regular dues owed by such teacher or other employee  
17 to any organization of teachers or other school employees.

1           B. No deduction shall be made from the earnings of ~~any~~ a teacher or other  
 2 employee for the purpose permitted by this Section unless fifty or more teachers or  
 3 other employees or ten percent of the total number of employees, including teachers,  
 4 whichever is less have requested such deduction be made and the deduction is  
 5 specifically and voluntarily authorized in writing by the teacher or other employee.  
 6 If such authority is provided and a request for such deduction made, the school board  
 7 shall honor the request and provide for the deduction; however, if any system  
 8 documents to the satisfaction of the State Board of Elementary and Secondary  
 9 Education that it has already acquired payroll checks that will not accommodate the  
 10 request, the school board shall provide for such deduction as soon as possible but,  
 11 in no case later than the beginning of the school year following the request.

12           C. ~~Any~~ The amount withheld in accordance with the provisions of this  
 13 Section shall be remitted to the organization designated on a regularly scheduled  
 14 basis as determined by the employing board: except that the board may retain an  
 15 administrative fee of up to three percent of the amount to be remitted. The board  
 16 shall apply the same administrative fee to all competing organizations of teachers or  
 17 other school employees.

18           D. This Section shall not apply to a city, ~~or~~ parish, or other local public  
 19 school board operating under the terms of a collective bargaining agreement entered  
 20 into prior to July 1, 2018, applicable to teachers employed by the board. Any  
 21 collective bargaining agreement or other contract entered into on or after July 1,  
 22 2018, that conflicts with this Section shall be void in its entirety.

23 Section 2. R.S. 42:456(A)(1) is hereby amended and reenacted to read as follows:  
 24 §456. Permitted withholdings

25           A. Payroll deductions shall be authorized only for the following:

26           (1) Mandated federal or state income withholdings, credit unions,  
 27 garnishments, liens, union dues, dues to professional associations and professional  
 28 organizations, savings bonds programs, qualified United Way entities, health and life  
 29 insurance products offered through the Office of Group Benefits, and products



- (3) Donations to any qualified nonprofit community health and human services charities, coordinated and payable through the La. Assoc. of United Ways, upon written authorization from the employee, that has been evaluated and approved in accordance with rules and procedures promulgated by the commissioner of administration.

Proposed law additionally authorizes withholdings for the payment of dues to professional associations and organizations. Otherwise retains present law.

Effective July 1, 2018.

(Amends R.S. 17:438 and R.S. 42:456(A)(1))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Provide that maximum administrative fee is based on the amount to be remitted instead of the amount withheld.